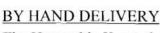
KRIAMER-LEVIN NAFTALLS & FRANKEL LLP

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October 21, 2005



The Honorable Kenneth M. Karas United States District Judge United States District Court Southern District of New York 500 Pearl Street, Room 920 New York, NY 10007



Re: Advance Magazine Publishers Inc. d/b/a The Condé Nast Publications

v. Activ8now, LLC and Active8media, LLC

Civil Action No. 05-CV-7516 (KMK)

Dear Judge Karas:

We were busy preparing our opposition papers to defendants' pre-answer motion to stay, dismiss or transfer, when the attached Order and opinion from Judge Vining arrived. Judge Vining has transferred the entire case from the Northern District of Georgia to the Southern District of New York. When it eventually winds up here, we assume that it will be consolidated with the present action.

We are writing to seek Your Honor's guidance as to how to proceed with respect to defendants' motion. Given the case transfer to this Court, we respectfully submit that defendants' motion is now moot and should be withdrawn voluntarily by defendants or disallowed by the Court.

The motion to dismiss and or transfer

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP

is withdrawn, (Doc # -) and 15 to be

So ordered.

By

Randy Lipsi

RL:dms

Enc.

Paul R. Niehaus, Esq. (by fax w/enc.)